

REMARKS

Claims 1-9 and 11 are pending in the application.

It is noted that objected claims 7-8 contain allowable subject matter and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 1-6, 9, and 11 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,764,000 to Mougin *et al.* (Mougin) in view of U.S. Patent 6,133,690 to Meyer *et al.* (Meyer).

Claims 1 and 11 have been amended to recite “wherein the at least one resistive layer (8, 8', 8'') is deposited on the at least one conductive layer (5B, 5R, 5G).” Mougin in view of Meyer fail to teach or suggest such a structure. The Office Action relies on Mougin for teaching a bias electrode comprising at least one resistive layer (18) and at least one conductive layer (19). However, in Mougin, the resistive layers are positioned under the phosphor elements and the conductive layers are disposed lateral to the resistive layers such that the resistive strips are longitudinally bordered by conductive layers. Thus, Mougin does not teach or suggest a biasing electrode including a resistive layer deposited on a conductive layer, that is positioned at least under the phosphor elements, as called for in the claims.

Meyer does not cure the deficiencies of Mougin, as Meyer merely teaches positioning a conductive layer under a phosphor element. Meyer does not teach or suggest depositing the resistive layer on the conductive layer of Mougin, as called for in the claims. Accordingly, Mougin in view of Meyer fail arrive at the present invention.

In addition to not arriving at the claimed invention, there is no motivation for modifying Mougin with Meyer as proposed by the Office Action. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine teachings. *See In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). The Office Action has not provided any motivation for locating Mougin's conductive layers under the phosphor elements. The Office Action merely relies on *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). However, *In re Japikse* only applies to rearrangements of parts that do not modify the operation of the device, which is not the case with the proposed combination of Mougin in view of Meyer. Moreover, the mere fact that one of ordinary skill in the art could rearrange the parts of the reference device to meet the claims is not be itself sufficient to support a finding of obviousness. The prior art must provide a motivation for one of ordinary skill in the art, without the benefit of applicant's specification, to make the necessary changes in the reference device. *See Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

In view of the foregoing, withdrawal of this rejection is respectfully urged.

Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-9 and 11 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

No fees are due with this communication. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



Paul A. Schwarz
Reg. No. 37,577

Duane Morris LLP
100 College Road West, Suite 100
Princeton, NJ 08540
609-919-4408 – Tel
609-919-4401 – Fax